

REMARKS

Claims 1-30 are pending. Claims 13-29 have been withdrawn from consideration. Claim 1 is currently amended. Reconsideration of the application is requested.

§ 102 and § 103 Rejections

Claims 1-4, 6 and 30 stand rejected under 35 USC § 102(a) as purportedly anticipated by WO 03/058743 (Barton). Claims 5-7 stand rejected under 35 USC § 103(a) as purportedly unpatentable over Barton taken alone. Claims 8-10 stand rejected under 35 USC § 103(a) as purportedly unpatentable over Barton taken alone and further in view of JP 11-045733 (Nagamori). Claim 11 stands rejected under 35 USC § 103(a) as purportedly unpatentable over Barton taken alone and further in view of WO 02/022952 (Segit). Claim 12 stands rejected under 35 USC § 103(a) as purportedly unpatentable over Barton taken alone and further in view of US 6,083,638 (Taniguchi).

Applicants herein amend claim 1. The amendment is fully supported in the Specification as filed. (Please see, e.g., Specification at page 5, lines 25-27).

Each of the foregoing rejections relies on a purported disclosure in Barton of a gas diffusion layer having a hydrophilic layer having a thickness of "about 1 to about 100 microns, preferably between about 8 and about 16 microns." (Barton at page 14, lines 18-20). The present claims, as amended, recite a fuel cell gas diffusion layer having "a hydrophilic surface layer having a thickness of no more than 0.5 micron." This limitation is not taught or suggested in Barton. Barton teaches away from this limitation by the recitation of a preferred thickness "between about 8 and about 16 microns." (Id.). Therefore, the present rejections should be withdrawn.

Claims 2-12 and 30 each add additional features to claim 1. Claim 1 is patentable for the reasons given above. Thus, claims 2-12 and 30 are likewise be patentable.

In summary, the rejection of claims 1-12 and 30 under 35 USC § 102 and § 103 have been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance.
Reconsideration of the application is requested.

Respectfully submitted,

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Date

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